

METROPOLITAN DEVELOPMENT COMMITTEE

DATE: March 1, 2010

CALLED TO ORDER: 5:31 p.m.

ADJOURNED: 5:58 p.m.

ATTENDANCE

Attending Members

Janice McHenry, Chair
Paul Bateman
Jose Evans
Brian Mahern
Dane Mahern
Christine Scales
Michael Speedy

Absent Members

Jeff Cardwell
Virginia Cain

AGENDA

PROPOSAL NO. 9, 2010 - appoints Roberto A. Ramirez to the Metropolitan Development Commission

“Do Pass as Amended”

Vote: 7-0

PROPOSAL NO. 38, 2010 - amends the Code to re-assign the duties of Chapter 701, Trees and Flora, amongst the Departments of Code Enforcement, Public Works and Parks and Recreation, and to make other technical corrections

“Do Pass as Amended”

Vote: 7-0

METROPOLITAN DEVELOPMENT COMMITTEE

The Metropolitan Development Committee of the City-County Council met on Monday, March 1, 2010. Chair Janice McHenry called the meeting to order at 5:31 p.m. with the following members present: Paul Bateman, Jose Evans, Brian Mahern, Dane Mahern, Christine Scales, and Michael Speedy. Absent were Jeff Cardwell and Virginia Cain.

PROPOSAL NO. 9, 2010 - appoints Roberto A. Ramirez to the Metropolitan Development Commission

Councillor Speedy moved, seconded by Councillor Scales, to “Amend” Proposal No. 9, 2010 by replacing the name of Roberto A. Ramirez in all instances where it appears, including the digest with the name Randolph Snyder. The motion carried by a vote of 7-0.

Randolph Snyder said that he has been on the Metropolitan Development Commission (MDC) for a number of years and has enjoyed it immensely. He said that the experience on this commission is very important, because there are a lot of issues, including economic development and neighborhood issues. He said that through the years he has done a good job of balancing the two issues, and there are a lot of people that would speak in favor of the job that he has done. Mr. Snyder said that he is a strong proponent of economic development. He said that he was involved with and the chairman of the Enterprise Zone Board and served on the Regional Transportation Policy Committee. He said that he is aware of the issues that this board faces, and he looks forward to serving on the MDC.

Councillor Speedy said that he brings a good balance of experience, an appreciation for neighborhood issues, and the need to progress certain matters for economic development.

Norman Pace, Marion County Alliance of Neighborhood Associations (MCCANA), said that they support the endorsement of Mr. Snyder to the MDC. He said that Mr. Snyder is a person that can help defuse some very hostile and emotional issues. Mr. Pace said that Mr. Snyder can manipulate people to be more willing to work together and resolve some of the issues that MDC faces.

Councillor Speedy moved, seconded by Councillor Dane Mahern, to send Proposal No. 9, 2010 to the full Council with a “Do Pass as Amended” recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 38, 2010 - amends the Code to re-assign the duties of Chapter 701, Trees and Flora, amongst the Departments of Code Enforcement, Public Works and Parks and Recreation, and to make other technical corrections

Jeff Roeder, Mayors Office, said that this proposal is the first of three phases as they look at the tree policy in Indianapolis. He said that this step will transfer the duties and powers into the appropriate divisions within the Department of Code Enforcement (DCE), and the Department of Public Works (DPW). Mr. Roeder said that all the permit issues and enforcement will go to DCE and the care and maintenance of the trees will go to DPW. This proposal will put the language in place to move forward with these changes. He said that Phase Two will look at the fees and costs that may be associated with these changes and Phase Three will address the policy and review of how things are handled in Marion County. The third phase will incorporate the tree board, interested neighborhood groups and all of the affected parties into a comprehensive discussion of where the city is going with the tree policy.

Mr. Roeder said that this amendment is to address a few things that were not correct when drafting the proposal and the vast majority of the amendment is technical in nature. He said that one part that has been amended is within the prohibited species list as the original proposal changed that list and it is more appropriate to address that issue as part of a larger policy discussion in the future.

Councillor Speedy moved, seconded by Councillor Scales, to “Amend” Proposal No. 38, 2010, by the attached Exhibit A. The motion carried by a vote of 7-0.

Councillor Brian Mahern asked if there will be a fiscal impact for the changes. Mr. Roeder said that the fiscal impacts that will occur have already been included in the 2009 budget.

Councillor Speedy asked if the public will know when these discussions begin for the third phase of this proposal. Emily Mack, Deputy Director DCE, said that they currently have not gone that far in the process, but they are at the phase where they are simply dividing up the duties between DCE, DPW and the Department of Parks and Recreation (DPR). She said that the second phase will take care of the fiscal responsibility, and the third phase has not yet begun.

Councillor Speedy asked if there is a time frame on when to start these discussions. Ms. Mack said that it will begin in about six months. She said that they will use a variety of methods for public outreach to communicate to the citizens of Indianapolis/Marion County.

Councillor Dane Mahern asked what the thought process is in the proposal where it refers to “Marion County is now the city”. Adam Collins, Office of Corporation Counsel (OCC), said that this proposal is not county-wide and excludes the excluded cities. Councillor Dane Mahern asked if there has ever been a problem with the way the law has been worded in the past. Mr. Collins said that it may not have been enforced in the past.

Councillor Speedy said that OCC has been cleaning up that definition of the Code for that last five years.

Councillor Evans asked who is responsible for the property excluded from the city limits. Mr. Collins said that the excluded cities are responsible for developing their own plan.

Mr. Pace that he is concerned about this proposal and suggested that it be tabled until MCCANA can review the proposal.

Councillor Speedy said that he expects MCCANA to be involved in the discussions in Phase Three of this process. He said that Proposal No. 38, 2010 takes care of shifting the duties to the appropriate division and has no effect on the area that will most interest MCCANA. Councillor Speedy said that OCC and DCE have made a pledge to get the neighborhood associations involved with the discussions that will be held in Phase Three.

Councillor Bateman asked what a Polk City Directory is. Ms. Mack said that the Polk City Directory is an actual book to look up property ownership. She said that they can now look up property ownership information electronically via the Marion County Assessors’ Office, and that they no longer use the Polk City Directory.

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Councillor Speedy moved, seconded by Councillor Bateman, to send Proposal No. 38, 2010 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 7-0.

Councillor Dane Mahern asked if there will be updates given to the committee as they move forward with the proposal. Mr. Roeder answered in the affirmative.

Conclusion

With no further business pending, and upon motion duly made, the Metropolitan Development Committee of the City-County Council was adjourned at 5:58 p.m.

Respectfully submitted,

Janice McHenry, Chair
Metropolitan Development Committee

JM/rjp

COMMITTEE MOTION
Proposal No. 9, 2010

Madam Chair

I move that City-County Council Proposal No. 9, 2010, be amended by replacing the name of Roberto A. Ramirez in all instances where it appears with the name Randolph Snyder, including the digest.

Councillor

Exhibit B

Proposal No. 38, 2010

MOTION TO AMEND

Madame Chairman, I respectfully move to amend Proposal No. 38, 2010, in five (5) instances, as follows:

By: _____
Councillor

I.

Section 3 of the Proposal shall be and is hereby amended by the substitution of a new Section 701-4(d) for that which appears in the Proposal, to read as follows (Sections 701-4(a) through (c) are not affected by this amendment, and shall remain in Section 3):

(d) For purposes of this chapter, any person obtaining an encroachment permit from the city for the sole purpose of planting any flora pursuant to this section will not be required to pay the encroachment permit license fee once the flora becomes the property of the city.

II.

Section 4 of the Proposal shall be and is hereby amended by the substitution of a new Section 701-5 for that which appears in the Proposal, to read as follows (Section 701-6 is not affected by this amendment, and shall remain in Section 4):

SECTION 4. Sections 701-5, 701-6, and 701-7 of the "Revised Code of the Consolidated City and County," regarding prohibited species of trees and flora, duties of property owners, and injuring or trimming flora, respectively, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 701-5. Prohibited species and conditions.

(a) The following tree species shall not be used by anyone for planting along any public street, alley, or right-of-way in the city, place or park: Acer negundo (box elder), Acer saccharinum (silver maple), Ailanthus altissima ("tree of heaven" or stink tree), Betula papyrifera (caper birch), Betula pendula (European white birch), Catalpa bignoniodes (southern catalpa), Morus species, Platanus occidentalis (American planetree or American sycamore), Populus nigre "Italic" (Lombardy poplar), or Populus deltoids (cottonwood), Populus eugenei (Carolina poplar), Quercus palustris (pin oak), Salix species (all willows) and Ullmuspumila (Siberian elm). Other species of trees or growths may at any time and from time to time be excluded by the department. The department may, upon written request, approve the planting of the above prohibited species if the species is appropriate to the specific site and its surroundings and is compatible and consistent with the intent of this chapter.

(b) The city shall not place, nor permit to be placed, any tree or flora ~~which~~ that will cause or tend to cause a hazardous or unsafe condition ~~either for pedestrians or motorists.~~

III.

Section 4 of the Proposal shall be and is hereby amended by the substitution of a new Section 701-7(a) for that which appears in the Proposal, to read as follows (Sections 701-7(b) though (c) are not affected by this amendment, and shall remain in Section 4):

a) No person shall damage, remove, deaden, destroy, break, carve, cut, deface, trim or in any way injure or interfere with any flora that is located in or on any public street, alley, right-of-way, place or park within the consolidated city without the written consent of the ~~department~~ bureau of license and permit services first obtained, except as may be necessary in an emergency to remove or abate any dangerous or unsafe condition.

IV.

Section 8 of the Proposal shall be and is hereby amended by the substitution of a new Section 701-19 for that which appears in the Proposal, to read as follows (Section 701-17 through 701-19 are not affected by this amendment, and shall remain in Section 8):

Sec. 701-19. Formal notice of violation.

If any violation of sections 701-3 through 701-6, inclusive, is not corrected as a result of the preliminary notice, or no preliminary notice is given, or the condition exists on a vacant lot or unoccupied improved real estate, the ~~responsible party~~ department shall give to the owner or owners of such real estate written notice of the existence of the condition. Such notice shall be given by ~~certified mail, return receipt requested, first-class mail~~, directed to the owner at his or her last and usual place of residence as determined by ~~resort either to the most recent edition of Polk's City or Suburban Directory or the records of the applicable township~~ county assessor's office. The notice shall state the nature of the violation, describe the real estate upon which the condition exists, demand the abatement of the condition and set a date, not sooner than two (2) calendar weeks after the date of such notice, when the property shall be reinspected to determine if abatement has been effected. ~~If the certified mail is not returned within thirty (30) calendar days or if the address of the owner is unknown and cannot be ascertained after due diligence, it shall be sufficient to give notice to any offending owner by publication once in a newspaper of general circulation in Marion County. The owner or owners notified by publication shall have ten (10) days from the date of the published notice in which to abate the offending condition.~~

V.

Section 8 of the Proposal shall be and is hereby amended by the substitution of a new Section 701-20 for that which appears in the Proposal, to read as follows (Sections 701-21 through 701-24 are not affected by this amendment, and shall remain in Section 8):

Sec. 701-20. Action on failure to abate.

If, upon reinspection of the offending real estate, ~~and, where notice has been given by publication, after the elapse of the ten-day notice period~~, it is determined by the responsible party that abatement has not occurred, the responsible party, or its contractual agent, shall enter upon such private property or property owned by the United States Government and abate the offending condition.